

JRPP Number	NTH / 2011
DA No.	DA138/2012
Proposed Development	Motel Accommodation (852 rooms)
Applicant	The MAC Services Group
Report By	Manager Planning and Development Services – Narrabri Shire Council

Assessment Report and Recommendation

Owner	MAC Services Group
Lodgement Date	28 September 2011
Capital Investment Value	\$45,038 100
Land Zoning	1(a) General Rural
Current use and Development	Vacant Agricultural land

Purpose

The purpose of this report is to place before the Joint Regional Planning Panel (Northern Region) for determination the following application:

Number:	DA 138/2012
Applicant:	The Mac Services Group Pty Ltd
Owner of Site:	The Mac Services Group Pty Ltd
Site:	262 Caloola Road, Boggabri
Title Description:	Lot 106 in Deposited Plan 755475
Zone:	1(A) General Rural (Narrabri Local Environment Plan 1992) (see attached zoning arrangement).
Proposed Capital Invest Value:	\$45, 038, 100 CIV
Proposed Development:	Motel Development (852 rooms)
Proposed Use:	Motel (Accommodation for mining employees and the general public where necessary).
Current Use:	Vacant Land
Consent Authority:	Joint Regional Planning Panel (Northern Region) ¹

Background

A development application has been lodged with Council for the purposes of seeking development consent for a motel accommodation development. The application fundamentally proposes a village style development for the accommodation of both mining employees and also the general public where requested.

¹ Pursuant to section 23 of the Environmental Planning and Assessment Act 1979, the application has been referred to the Joint regional Planning Panel being the consent authority for the application on the basis that the capital investment value of the development exceeds \$20 million dollars.

The land is located upon the urban fringe of Boggabri and is centrally located within approximately twenty minute drive of the current three coal mining operations (Idemitsu (Boggabri Coal)), Turrawonga Coal and also the underground operation of Narrabri Coal). A fourth Coal mine is expected in early 2013 for the Maules Creek Project owned by Whitehaven Coal which will be located within the Boggabri / Maules Creek vicinity. Recent approvals have been obtained by the state to increase the capacity and size of both Boggabri / Idemitsu and Turrawonga Mines through the state approvals process via the major development State Environmental Planning Policy (SEPP).

Recent mining activities including coal and gas construction contractors have exhausted an existing shortage of accommodation in Boggabri. It is evident both from a review of current motel occupancy rates and also real estate rental supplies that accommodation is becoming increasingly difficult to find in the Narrabri Local Government Area. A real issue that is also currently surfacing in light of the mining exploratory and operational phases, is housing affordability. Investors have capitalised on strong market rental values which is causing a local rental accommodation affordability crisis. This has predominantly evolved over the past 5 years and there is an evident nexus to the increase in exploratory activity and operational output and expansions of the mining sector.

Shortages of accommodation experienced during the construction phase of mining shall be further stretched as the workforce for the operation of mining commences predominantly for Whitehaven Coal and also Aston Resources, Turrawonga Coal and Boggabri Coal in 2012. The facilitation of accommodation services industries has been partially met by a number of smaller developments such as serviced apartments and also unit development and to an extent some minor to medium motel extensions within the Boggabri township. It is noted however in order to cope with additional construction and operational workforce injections into Narrabri Shire Local Government Area the mining operations including Whitehaven (Maules Creek Coal Project; Narrabri Coal Project and Turrawonga) and Boggabri Coal, current supplies of accommodation would not be sufficient. In order to cope with the accommodation of such a large scale population movement would require a village of 800+ rooms to facilitate such influx without creating a further negative strain on existing housing supplies. From a review of more recent presentations from the mining companies to Narrabri Shire Council it is expected that the three mines could increase their workforces combined in excess of 2000 workers. The development as proposed will enable these housing demands to be met in the short to medium term. Although contractual arrangements will be put in place with respect to occupation of mining employees within the development, there shall also be provision for the acceptance of the members of the public whether or not related to mining for overnight accommodation.

Mining villages of the past have been characterised by a stigma of negativity including dilapidated and unmaintained 'donga' style developments that have been fraught with very little master planning, have generally been isolated and characterised by many social issues due to lack of control and management.

Well developed, master planned, managed and maintained villages located appropriately upon urban fringes have the ability to contribute not only socially but also contribute economic vibrancy to the community fabric if integrated aptly. This has been evident particularly using the example of Roma where recent mining

villages have been established on the urban fringe for provision of mining accommodation to the gas industries. These villages (although predominantly established for the mining employees and not the general public as proposed in the MAC development), have overcome social isolation through incorporating their workers into local sporting programs and local events and also promoting cohesion with the community through sharing of public facilities such as pools, local gyms, sport and recreational grounds for instance. It is acknowledged however that the MAC development model is only one part of a largely complex solution to the housing supply and affordability issues currently being experienced within Narrabri Shire.

Description:

The proposal is located to the West of Boggabri on the Caloola Road. The site is bounded by an extractive industry (quarry) to the East, an approved rural residential development to the West, cultivated agricultural lands to the North and grazing land to the South of the proposed site. The surrounding development could be considered as predominantly agricultural land uses. From a review of the proposed development it is considered that the application is a consistent and a compatible land use with respect to adjacent developments..

The application has not been identified as a staged development by the applicant for the purposes of section 83B of the Environmental Planning and Assessment Act 1979. It is noted however that the applicant has divided the site plan for the development into 'precincts' to enable ease in identification and enable construction crews to identify relevant areas for the purposes of construction.

The application identifies that 852 rooms are proposed within the subject development however construction of the motel accommodation will only occur as demand arises and the applicant will seek to obtain interim occupancy certificates as sections of the development are completed.

The proposal will enable the construction of 300 x 24 sqm units and 552 x 16sqm units on the 21.06 hectare site. The accommodation centre will also provide for commensurate carparking, landscaping, internal road system, infrastructure, central building facilities, amenities buildings, laundries, outdoor breakfast areas and gazebos. The village building works will be carried out in 5 segments.

The construction stages include;

Precinct 1

- 48 x 16sqm rooms = 48 rooms (occupied as a fly camp for the MAC services employees)
- 48 x 24 sqm rooms = 48 rooms
- 2 community gazebos that are fitted with seating and barbeques
- Internal bitumen roadway, carparking spaces and 5 bus bays
- 1 laundry
- Native Landscaping
- Concrete pedestrian paths

- Central Facilities.

Precinct 2

- 144 x 24 square metre rooms = 144 rooms
- 2 community gazebos that are fitted with seating and barbeques
- Internal bitumen roadway, carparking spaces and 5 bus bays
- 1 laundry
- Native Landscaping
- Concrete pedestrian paths

Precinct 3

- 108 x 24 square metre rooms = 108 rooms
- 2 community gazebos that are fitted with seating and barbeques
- Internal bitumen roadway, carparking spaces and 5 bus bays
- 1 laundry
- Native Landscaping
- Concrete pedestrian paths

Precinct 4

- 252 x 16 square metre rooms = 252 rooms
- 2 community gazebos that are fitted with seating and barbeques
- Internal bitumen roadway, carparking spaces and 5 bus bays
- 1 laundry
- Native Landscaping
- Concrete pedestrian paths

Precinct 5

- 252 x 16 square metre rooms = 252 rooms
- 2 community gazebos that are fitted with seating and barbeques
- Internal bitumen roadway, carparking spaces and 5 bus bays
- 1 laundry
- Native Landscaping
- Concrete pedestrian paths

A central precinct has been identified as progressive works where the construction of this precinct will be progressively developed commensurate with the development of the site. Identified within these works includes;

- A dining room, kitchen and administration building including kiosk;
- Freestanding gym for recreational purposes;
- Maintenance shed;

- Training and function hall;
- Recreation Hall;
- Loading dock;
- Multipurpose Hall, including basketball court;
- Covered outdoor recreation and seating area;
- Common central precinct lawn green with landscaping;
- Covered outdoor dining and recreational areas;
- Internal driveways and carparking
- Concrete footpaths
- Native Landscaping

A Statement of Environmental Effects has been submitted in support of the application, it has been included as an attachment of this report. This document identifies characteristics of the development including definition and also any environmental opportunities and constraints of the development and how it is likely that such constraints may be overcome.

A global information system (GIS) aerial map has been included for reference of the site location and can be seen highlighted in red below.

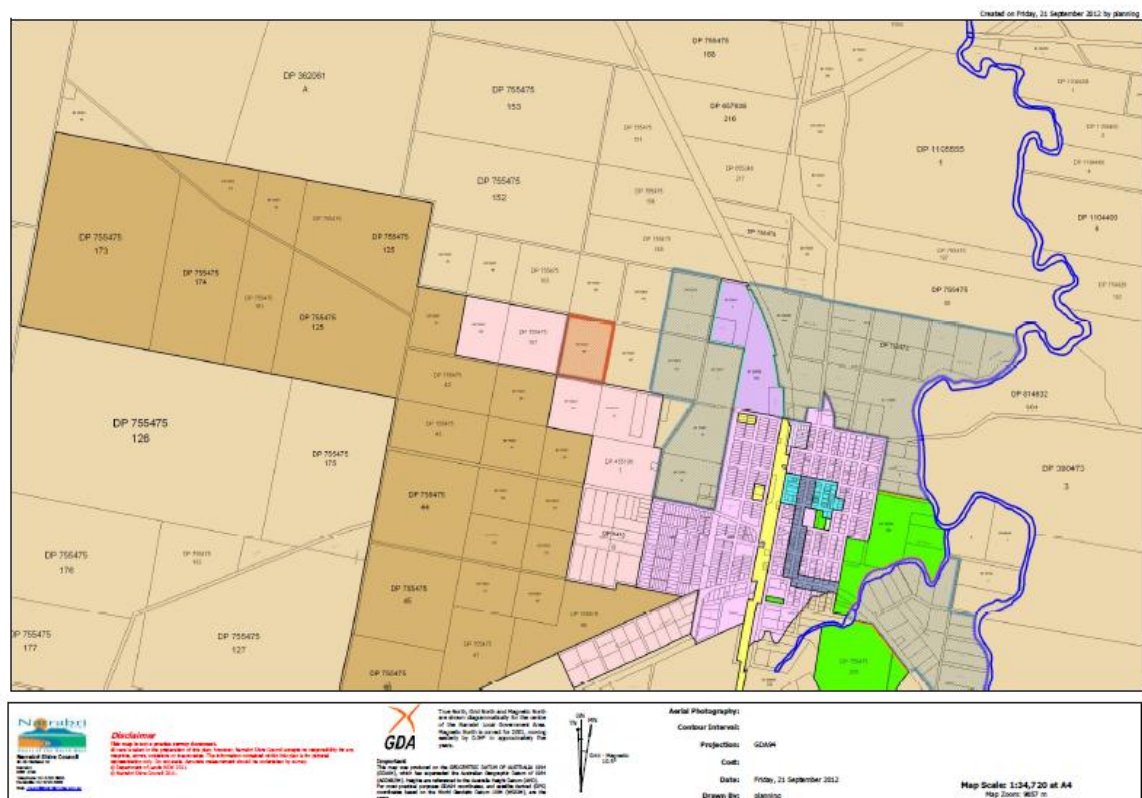


Figure 1.0 Lot 106 in Deposited Plan 755475 cadastral boundary – The Mac Development Site (shown in red).

Current Position

In light of the detail provided in the background of this report and all associated attachments, the application has been forwarded to Council and subsequently the Joint Regional Planning Panel Northern Region for determination. Council's Manager of Planning and Development Services has assessed the application in accordance with the requirements of section 79C of the *Environmental Planning and Assessment Act 1979* (hereafter the Act). This section of the Act details the minimum criteria under which a consent authority must assess a development application. It provides for a merit based assessment of individual applications under a number of heads of consideration as detailed below:

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

(ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*

(iii) *any development control plan, and*

(iii)(a) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

that apply to the land to which the development application relates,

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

(c) *the suitability of the site for the development,*

(d) *any submissions made in accordance with this Act or the regulations,*

- (e) *the public interest.*

The assessment process and considerations are detailed in the commentary of this report.

While section 79C is used as the basis for assessment, it is also important for the Joint Regional Planning Panel members to understand that the JRPP as a consent authority is not limited to consideration of just the matters listed in this section. The Land and Environment Court has held that the scope of development assessment is only limited by the objectives of the *Environmental Planning and Assessment Act 1979* and that section 79C is the minimum that is to be considered by a consent authority (*Carstens v Pittwater Council* (1999) NSWLEC 249).

The objectives of the *Environmental Planning and Assessment Act 1979* are detailed in section 5 of the Act and are as follows:

The objectives of this Act are:

- (a) *to encourage:*

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) *the protection, provision and co-ordination of communication and utility services,*
- (iv) *the provision of land for public purposes,*
- (v) *the provision and co-ordination of community services and facilities, and*
- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*

- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Definitions

There are some important land use terms that require definition when considering these activities within the context of the subject application. Definitions are derived from both the *Narrabri Local Environmental Plan 1992 (LEP 1992)* which make reference to the *Environmental Planning and Assessment Model Provisions 1980 (Model Provisions)*. Although the model provisions have been repealed by legislation it is noted that by virtue of clause 6 they are retained by the savings and transitional provisions for use in the context of the *Narrabri Local Environment Plans 2 and 1992*.

1(a) General Rural under Narrabri Local Environment Plan Number 1992.

*The objectives of the zone is to encourage agriculture and agriculture related land uses. No restrictions have been placed on agricultural enterprise except for the intensive keeping of animals which requires the Council's consent. **Most land uses are allowable in the zone with Council consent.** Consistent with the objective for the zone, it is intended that the Council should control speculation in non-agricultural purposes through the consent provisions required for most land uses.*

- 2 *Without development consent -Agriculture (except feed lots, piggeries, poultry farming, stock homes or any other intensive keeping of animals); drainage; forestry; outbuildings or any building for a purpose incidental to the use of land for agriculture; stock and sale yards.*
- 3 *Only with development consent - Any purpose other than a purpose included in item 2 or 4.*
- 4 *Prohibited items include: Abattoirs; bulk stores; car repair stations; commercial premises; generating works; industries other than home industries; junk yards, residential buildings; road transport terminals; service stations; shops; warehouses.*

Commercial premises - Within the model provisions a commercial premises is defined as; *a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause.*

Dwelling – means a room or suite of rooms occupied or used so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Dwelling House – means a building containing one but not more than one dwelling

Motel – is defined as a building or buildings (other than a hotel, boarding-house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them whether or not the building or buildings are also used in the provision of meals to those travellers or the general public

Residential Flat Building – A residential flat building is defined as a building containing two or more dwellings.

Section 79C Assessment

(a) Statutory Provisions

(i) Environmental Planning Instruments (Section 79c (1)(a)(i))

Narrabri Local Environmental Plan 1992.

The land is subject to the requirements of the *Narrabri Local Environmental Plan 1992*. The land is zoned 1(a) General Rural under the environmental planning instrument.

An application being presented for any other purpose other than items 2 or 4 (see definitions of 1(a) General Rural under *Narrabri local Environmental Plan 1992* is to be assessed upon its merits in accordance with *Environmental Planning and Assessment Act 1979*. In this case the relevant instruments are the Narrabri Local Environmental Plan 1992 (the LEP), Development Control Plans (DCP's) and State Environmental Planning Policies (SEPP) as discussed within this report.

It is necessary to consider all parts of the LEP that have relevance to the establishment of the proposal on the said land to provide the entire context. For this application the parts of the LEP considered to be specifically relevant are as follows:

1. Model Provisions.
2. Part 1: 1(a) General Rural Zoning Objectives under NLEP 1992 plans.
3. Part 3; Purposes which are allowed with development consent.
4. Part 4; Prohibited purposes within the zoning.

Should the JRPP be concerned of any perceived uncertainties within the provisions of the LEP, then attention is drawn to section 25(3) of the *Environmental Planning and Assessment Act 1979*, which provides as follows:

‘Where a provision of an environmental planning instrument is genuinely capable of different interpretations, that interpretation which best meets the aims, objectives, policies and strategies in that instrument shall be preferred’.

For this development in accordance with the relevant Local Environment Plan 1992 the definition of a 'Motel' has been adopted as the most relevant definition for the mining accommodation village.

The development cannot be considered as a 'residential flat building' as defined within the Model Provisions. The model provisions states that a residential flat building is a building containing 'two or more dwellings'.

(a) In accordance with the Building Code of Australia (Part 3.8.3.2 volume 2) a class 1 building (dwelling) must be provided with the following features;

- i) a kitchen sink and facilities for the preparation and cooking of food; and
- ii) a bath or shower; and
- iii) clothes washing facilities, comprising at least one washtub and a space in the same room for a washing machine; and
- iv) a closet pan and washbasin.

(b) If, any of the facilities in (a) are detached from the main building they must be set aside for the exclusive use of the occupants of the building.

Note: a kitchen sink or wash basin must not be counted as a laundry washtub.

A 'dwelling' as defined within the Model Provisions means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

If the development as proposed is not capable of being a dwelling it cannot be considered as a residential flat building. It is noted that The MAC group application proposes a central laundry facility not for the exclusive use of each room. A central dining facility will also be provided within the application, and no kitchen facilities in each room are proposed. It therefore can be determined that the development is not a residential flat building within the definition of the Model Provisions.

The development could also be defined under the new *Standard Instrument Order 2006* as a 'tourist and visitor accommodation' although the *Narrabri LEP 1992* does not legally make reference to this order until a new *Narrabri Local Environment Plan 2012* is gazetted. It is noted that the *Narrabri Local Environmental Plan 2012* will be gazetted in the fourth quarter of 2012 following advice from the Department of Planning Tamworth. A tourist or visitor accommodation is a group term under the standard instrument is referred to as *a building or place that provides temporary or short term accommodation on a commercial basis and includes a hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers accommodation.*

It is noted that the 'motel' definition under the Model Provisions is permissible with consent of the consent authority being Council in the zone under the *Narrabri Local Environmental Plan 1992*. It is noted that the

development will comply with the definition by virtue that the village will be used for the overnight accommodation of people travelling to the area (travellers) to work, also the village will be open to accept members of the public (whether or not related to the mines) for overnight accommodation. This arrangement has been in operation for sometime in Narrabri at the Narrabri MAC services group who accept members of the public on a nightly basis providing both food and accommodation for a flat rate.

If the 'motel' definition was not adopted, the development would be considered as an 'innominate use' which is permissible within the zone under both plans with consent of Council. An innominate use is a use in which cannot or is not defined within the Model Provisions.

Specific provisions under the Narrabri Local Environmental Plan 1992

Clause 10 of the *Local Environmental Plan Number 1992* states that there are general considerations for development within the rural zones;

These have been itemised and addressed individually;

10 General considerations for development within rural zones

(1) The Council shall not consent to an application to carry out development on land within Zone No 1 (a) or 1 (c) unless it has taken into consideration, if relevant, the effect of the carrying out of that development on:

(a) the present use of the land, the potential use of the land for the purposes of agriculture and the potential of that land for sustained agricultural production,

It is noted that the site has been used for agricultural enterprise pursuits including cropping and grazing and has been generally farmed in conjunction with a number of other adjacent allotment parcels as a holding. The previous owners of the site sought to rationalise their operations and sell a number of the allotments to the open market following a down turn in the agricultural industry and increasing on farm debt. The subject allotment occupying an area of 21.06 hectares is not of a sufficient size nor suitable to support ongoing viable agricultural production. The layout of the land also prevents sustained agricultural production due to its topography and local drainage patterns which traverse the site. It is understood from Council records that a rural residential development has been approved for the creation of a 20 lot subdivision to the west of the subject site and accordingly the land would not be suitable for agricultural pursuits such as cropping which may be characteristic of aerial spraying, light spill, night time operations and noise issues.

- (b) vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights),*

Following an inspection of the site by Council staff, it has been observed that the site supports a number of white Cyprus pines, white box and silver leaf iron barks. Native grasses have also been observed across the majority of the development site. It is understood that the ground covers are re-growth following ceasing of cultivation activities on the land.

There is a natural dry watercourse that serves to drain the land also flows from Caloola Road to the North of the site. The development as proposed including alignment of buildings and the built form is considered to be sympathetic to the natural watercourse and is not expected to have any detrimental affects in terms of diversion of water flows or impacts on ground water storage.

The land capability is typically that of sandy podsolic clays are considered to be marginal for use for cropping purposes. There is no ground water sources / bores that are attached to this land from a review of the State Water and also Office of Environment and Heritage Websites.

- (c) the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,*

The land is considered not viable for the commercial recovery of minerals due to its area and location to both surrounding residential and industrial land uses.

- (d) the protection of areas of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance, including Aboriginal relics and places,*

A preliminary search conducted by Council of the DECCW website has revealed that the land is not subject to aboriginal heritage or relics. The land as it stands is within the rural landscape is not considered to be of high scenic or recreational value. The site is surrounded by rural residential and also industrial type land uses.

- (e) the cost of providing, extending and maintaining public amenities and services to the land.*

It is noted that the site is located some considerable distance form the Boggabri Sewerage Treatment Faciltiy located in the North Eastern section of the town upon Finches Lane. Council's Engineering Services has advised that there appears to be capacity within the Boggabri treatment facility however this will need to be further extended to cater for the additional demand. The upgrade of the sewerage treatment facility will be subject to further

detailed analysis following the civil construction plans being submitted to Council for approval should the application be determined by way of approval.

The proponent has identified initially that sewerage could be disposed of through on site sewer management and accordingly an on site treatment dam was proposed as a result. It is understood that the proponent will seek to augment a sewer main from the site to the STP and further following preliminary investigations will need to also provide a pump station and gravity main due to localised topography conditions. The augmentation is proposed to traverse the Caloola Road corridor and will require separate approvals to be obtained for the traversing of the Boston Street railway line and also the Newell Highway being a classified road. It is also noted that the augmentation may also provide additional opportunity to the land to the South of the site which has been identified for rural residential and residential purposes to the South East of the site.

An investigation of the water utilities in the localised area has revealed that in concept sufficient water resources exist to the South of the allotment, however additional capacity needs to be developed in the public water storages to service the development. The proponent has proposed that existing water storage be duplicated and water mains be installed from the towers to the site boundary. It is also expected that the bore servicing the water storage will need to be increased (in terms of its hours of operation) in order to provide additional delivery capacity for the development. Water pressure has been identified as an issue due to the limited head available from the tanks to the site and pumps will be used on site to enable additional pressure to be utilised within the development for both general potable water supply and landscaping and fire fighting purposes. The additional water infrastructure will be provided by the proponent at their cost.

Head works charges will be levied in accordance management plan in the financial year in which the fees are paid (ie; 2012/2013 if paid prior to 30th June 2013) to maintain public infrastructure as a result of increased loads on both sewer and water infrastructure. These charges are also levied in accordance with the Developer Services Plan (DSP) for Narrabri Shire Council that was developed by Hunter Water Australia on behalf of Council.

From a review of the preliminary plans and investigations provided in the application by Bruce McFarlane Consulting “Water Supply and Sewerage and Stormwater Investigation” it appears to be evident that that there is no apparent impediments that could prevent the extension of the water and sewerage infrastructure to service the development. Further detailed analysis and investigation including civil construction plans would be required to be provided prior to the issue of a construction certificate of the development.

(f) future expansion of settlements in the locality.

The Growth Management Strategy (GMS) which has been adopted does not identify the land as for residential purposes or other uses other than rural land uses. It is noted that the motel development sought is permissible with development consent of Council. Future rural residential investigation areas have been identified to the South of the site and the development as proposed is considered compatible with such uses.

- (2) As well as the matters referred to in subclause (1), the Council shall take into consideration the relationship of the development to development on adjoining land and on other land in the locality, including the effects of potential aerial spray drift.*

The proposed development will be compatible subject to controls to the other land uses surrounding the development. Generally, the land uses are rural residential type uses and industrial land uses. Landscaping has been proposed along with high class new building materials to protect the amenity of the area. Vegetational buffers and setbacks have been considered by the proponent to ensure that the adjoining development is not compromised.

The industrial development (extractive industry) to East of the site shall be protected by conditions which specify a vegetation buffer by the proponent within the proposed village site and also a prescribed setback for all buildings and associated structures. Building design has also been considered with those buildings that are adjacent to roadways and also industry are heavily insulated to protect the amenity of the occupants and offset potential issues.

Clause 21 (heights of buildings) of the Narrabri Local Environmental Plan 1992 states that;

‘A person shall not without the consent of Council, erect a building containing more than 2 stories above natural ground level’

All buildings within the proposed development shall be one storey in height. The buildings as proposed shall be a maximum of 300mm in height from the ground to ensure that adequate ventilation occurs and surface drainage does not affect the buildings.

Clause 22 (Development of Flood liable land) of the Narrabri Local Environmental Plan 1992 states that;

- (1) This clause applies to land subject to inundation by floodwaters with an average recurrence interval of 1:100 years.*

(2) In this clause, **landfilling** means the depositing of soil or like material to a depth of more than 225 mm above natural ground level.

(3) A person shall not erect a building or carry out a work for any purpose on flood liable land except with the consent of the Council.

(4) In considering an application for development consent in respect of land to which this clause applies, the Council shall take into account the following matters:

- (a) the floor height of any building comprised in the proposed development in relation to known flood levels,
- (b) landfilling,
- (c) drainage,
- (d) flood proofing measures,
- (e) access.

Flood affectation of the creek drainage.

It is noted that the development site and its natural topography support a ephemeral stream on the north western side of the site and a drainage depression towards the North Eastern boundary. It is also noted that dams exist on the property which are generally charged from the collection of the site surface run off during prolonged rainfall events. The site is not historically susceptible to flood inundation due to its location and it's remoteness from the Namoi river to the East of the township.

Localised drainage and impervious surface runoff will be controlled through the construction of stormwater infrastructure on the site and the detention and storage of the water on site will be via a proposed appropriately sized dam to the North.

Other Environmental Planning Instruments considerations (Section 79(c)(1)(a)(i))

SEPP 44 – Koala Habitat Protection.

State Environmental Planning Policy 44 is relevant to development carried out on lands listed within schedule 1 of the SEPP. The Narrabri Local Government Area has been prescribed within the SEPP as an area containing potential koala habitat. In accordance with clause 6(b) the policy applies to land in which a development application is made and 6(c)(i) has one hectare or greater or 6(c)(ii) has together with the adjoining land in the same ownership an area of more than 1 hectare, whether or not the development application applies to the whole or any part of the land.

From a review of the development application submitted for a motel, under DA 138/2012, it has been revealed that the site is greater than the prescribed standard of 1 hectare and accordingly the policy applies to the land.

A SEPP 44 assessment has been carried out by the proponent and was reflected in the section 2.5 of the report prepared by Ambrose Ecological Services “Flora and Fauna Survey and Assessment – Proposed Boggabri Accommodation Centre. The report identifies that whilst vegetation exists on the property similar to those trees prescribed as feed trees in the SEPP being schedule 2, the site is considered to be marginal potential habitat rather than core koala habitat. The report further identifies that there are only 26 matures trees on the site and that they are thinly scattered over the 21.08hectres. It has also been found that there is no evidence of Koala scats or scratching on the tree trunks which suggests that Koalas do not use the area regular basis and at best are likely to be occasional vagrants.

Clause 7(1) stipulates that before council can grant consent to an application for consent to carry out development on land to which Part 2 of the SEPP applies, it must satisfy itself whether or not the land is a ‘potential’ koala habitat. Clause 7(2) further states that a council may satisfy itself as to whether or not land is a ‘potential’ koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification. Clause 7(3) outlines that if the council is satisfied, (a) that the land is not a potential koala habitat, it is not prevented, because of the Policy, from granting consent to the development application, or (b) that the land is a potential koala habitat, it must comply with clause 8.

From the findings of the Ambecol report, it is considered following a site inspection that the site is confirmed to be marginal potential koala habitat and accordingly as a result, no plan of management has been required to be submitted as part of this application.

SEPP 55 – Remediation of Land.

State Environmental Planning Policy 55 – remediation of land requires the consent authority to consider whether the land is contaminated. If contamination exists, Council must consider whether the site is suitable for the development as proposed in its current state or whether remediation is necessary.

In particular clause 7 of the policy states that;

(7)(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and,

- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

- (4) The land concerned is:*
 - (a) land that is within an investigation area,*

 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

In consideration of both clauses 2 and 4 of the EPI; The land in question is not considered within an investigation area for the purposes of this policy, and further the development is not referred to in table 1 of the policy guidelines. The development as proposed will not be for residential, educational, recreational or child care purposes or for the purposes of a hospital in accordance with the policy definitions. It has therefore been concluded that scientific testing and an associated contamination / remediation report is not warranted for the purposes of this application.

It has been acknowledged that previous uses of the land include cattle grazing and cropping. The land has generally been vacant and has not been used for any other purpose. From an inspection of the site there is no

evidence of contamination, sheep dips or chemical storages or associated chemical spills. From an inspection of Council's applications and approvals registry there is no evidence of previous uses of commercial or industrial uses or service stations or mechanical repair businesses on the subject land. It is considered that there is no evidence from a site inspection to denote the land as being contaminated as defined within SEPP 55.

SEPP Rural Lands 2008

Whilst this State Environmental Planning Policy has been considered in the assessment of this application, the SEPP refers primarily to the protection of prime agricultural land and the subdivision and erection of dwelling houses on such lands. Accordingly, the SEPP is not applicable to the development being considered under Development application 138/2013.

SEPP Infrastructure 2007

The SEPP under Part 3 division 17, subdivision 2, clause 104 requires certain types of development to be referred to the former Roads and Traffic Authority, now known as the Roads and Maritime Services as a traffic generating development. Further clause 104 applies where column 1 of schedule 3 makes note of a defined development and a prescribed threshold of traffic generation.

Clause 104 states that;

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

(a) new premises of the relevant size or capacity, or

(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

*(2) In this clause, **relevant size or capacity** means:*

(a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or

(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.

(3) Before determining a development application for development to which this clause applies, the consent authority must:

(a) give written notice of the application to the RTA within 7 days after the application is made, and

(b) take into consideration:

(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made

The SEPP in schedule 3 makes reference to ‘tourist facilities’ which is noted within the definitions of the new standard instrument (New LEP; Standard Instrument Order 2006) under which this development could be classified. However, as a ‘motel’ definition adopted under the Model Provisions has not been listed as a category of development, the land use as proposed would be subject to the catch all definition of ‘any other purpose’.

The any other purpose category prescribes a threshold of 200 vehicles as the trigger for referral to the Roads and Traffic Authority under Section 91 of the *Environmental Planning and Assessment Act 1979*.

The number of allocated car parking ‘capacity’ of within the village with the proposed development is 639 car spaces and accordingly the development is required to be forwarded to the Roads and Traffic Authority under s91 for their assessment and concurrence.

Referral was made to Roads and Maritime Services and their comments were provided to Council on the 13th December 2011. A formal submission was made pursuant to section 104 of the Infrastructure SEPP and the RMS has provided that;

- The RMS will not object to the proposal providing that the intersection of the Kamilaroi Highway and Boston Street is designed and constructed in accordance with the following;
 - i. As indicated in the TPK Traffic Assessment Report, a basic right hand turn (BAR) is to be provided in accordance with figure 7.17 in the first edition of the Aust roads Guide to Design – Part 4A Unsignalised and Signalised Intersections version 1.1.
- A road occupancy licence is required prior to any works commencing within 3 metres of any travel lanes of the Kamilaroi Highway – with submission of a traffic management plan is required as part of the licence.
- As road works are required on a state road, the developer will be required to enter into a Works Authorisation Deed (WAD) with RMS. RMS will exercise its powers under section 87 of the Roads Act 1993 (the Act) and / or the functions of the roads authority to undertake road works in accordance with sections 64 and 71 and or sections 72 and or 73 of the Act, as applicable, for all works under the WAD.
- Prior to the issue of a construction certificate for the proposed development, the developer shall enter into a WAD with the RMD for all road works on the Kamilaroi Highway.
- Prior to issuing an occupation certificate (interim or final) for the proposed development, the developer shall complete all road works under the WAD to practical completion, as determined by the RMS.
- All works shall be undertaken at the full cost to the developer to the satisfaction of the RMS.

(ii) Draft Environmental Planning Instruments [section 79(c)(a)(ii)]

From a review of the Parliamentary Counsel's website and a review of the New South Wales Government Websites including planning circulars and guidelines there is no evidence of any draft SEPP's that are relevant to the proposal.

The New South Wales Government some time ago repealed the majority of Regional Environmental Planning Policies (REP's) and has transferred such policies to state policies (SEPPs). Accordingly there is no evidence of any draft REP's for consideration.

The Narrabri Draft Local Environmental Plan 2012 has been adopted by the Council post section 65 and further has been forwarded to the Department of Planning and Infrastructure for final endorsement. It is expected that the plan will be gazetted in the fourth quarter of 2012. The Department is currently considering Council's section 68 submission. Whilst consideration has been given to the draft plan the application was submitted prior to the issue of a section 65 certificate and accordingly is determined in accordance with the current plan.

The allotment under the Narrabri Draft Local Environmental Plan 2012 is proposed to be zoned RU1 Primary Production. It is noted that a motel development will be prohibited within the zone however, the Council has adopted to include an additional permitted use for the site in schedule 1 of the instrument, on the basis of the investment provided to date in the preparation of the application and further to ensure that the opportunities of the site may be fully exploited should consent be granted for future certainty for expansion.

Other Draft Environmental Planning Instruments

From a review of the legislation, there appears to be no additional draft State Environmental Planning Policies or draft Regional Environmental Plans that are relevant to the subject application.

(iii) Development Control Plan [Section 79C(i)(a)(iii)]

Development control plans that are relevant to this application are:

Building Line -

The standard prescribed by the development control plan is 6 metres from the front boundary alignment. Generally this standard is applied to residential development however the DCP does not specify the area or type of development to which the standard is to apply. The Motel development will adopt a 10 metre nominal setback from all boundaries to be heavily landscaped and a 30 metre setback from the southern boundary from Caloola Road, Boggabri.

Building near Sewer and Stormwater Mains:

The objectives that are identified within the development control plan are to ensure that buildings (when erected) will not exert and load onto a Council sewer main; and to ensure that Council has reasonable access to the main for servicing and or replacement.

From a review of Council's current sewer and water including stormwater infrastructure database within the Global Information System (GIS) (MapInfo); it is evident that no sewer or water infrastructure exists on the premises. Once the location of the proposed new sewer and water infrastructure is designed, it will be lodged with Council for approval including installation of internal private sewer mains and also internal plumbing. Council will under section 68 of the *Local Government Act 1993*, be able to assess and provide consent on its proposed locations. This will be determined in conjunction with this development control plan. Appropriate easements will be required to be created once the correct paths are known for the infrastructure.

Drainage to Buildings:

The objective of this proposal is to ensure that there is adequate provision for the control and disposal of roof waters; to specify the method of disposal of wastes from sanitary fittings and to ensure that trade wastes are adequately treated and to specify the methods of disposal.

Stormwater generated from the development will be retained onsite in a static water storage for re-use on non potable application such as landscaping and also cleaning within the development. Stormwater will be captured on roofs and impervious surfaces by gutters and drains and will be directed to tanks and also a detention basin. The detention basin has been appropriately sized by a hydraulic engineer in order to cater for the prescribed runoff of stormwater from the development.

All building modules as part of the development will have sanitary drainage for sewer connected to the Council sewer infrastructure in accordance with clause 2.2.1. These connections have been designed by a hydraulic engineer Mcfarlane consulting and have been included as part of the development application.

Trade waste generated in accordance with clause 2.4 of the DCP, will be subject to pre-treatment prior to the release into Council's sewer system and will generally consist of waste generated from the kitchen and laundry in the preparation of foods and laundering of clothes and linen. A liquid trade waste agreement and payment of the prescribed fee, will be required if the development application is approved, in accordance with Council's liquid trade waste policy.

Water Supply to buildings:

The objectives of this DCP is to ensure that there is adequate supply of water for domestic purposes and to ensure that there is adequate provisions in place to prevent contamination of Council's water supplies.

Reticulated water supply connections to the site are proposed to be connected to the development and Council's water main shall be extended at the developers cost and in accordance with Council design specifications from the current town storages to the South of the site. At the boundary connection to the village, backflow devices will be provided to ensure that the public water supply is not contaminated.

Notification Policy 2005:

The development application 138/2012 was advertised in accordance with *Council's Notification Policy 2005* and sections 72(1) (b) and (c) of the *Environmental Planning and Assessment Act 1979*.

Table 2 within the policy provides for development that requires notification. As the proposal has been defined as a 'Motel', the development has been listed as Category 'A'. The application was also considered to

be integrated development in accordance with section 91 of the Environmental Planning and Assessment Act 1979.

Table 1 outlines the type of notification required for each category of development. The policy identifies that Category A; requires a letter to the adjoining property owners, a notice published in the local newspaper and a notice displayed on the land.

The application was placed upon public exhibition from 17th February 2012 until the 22 March 2012.

The application was advertised in the local Courier newspaper on four separate occasions during the exhibition period.

A total of 4 A3 clear and legible signs were affixed to the land upon the perimeter fence to the road frontage in accordance with the policy. The four signs were attached to the land fronting Caloola Road, Boggabri All signs were photographed that were attached to the land.

One adjoining owner was notified in writing of the development application and was provided with a site plan and also schematic diagram of the elevations of the village buildings. The generic letter was provided as prescribed by the notification policy. The owner has legal title over the surrounding lots with the exception of the allotment to the East which is owned by Narrabri Shire Council which supports an extractive industry or a quarry.

There was no submissions received as a result of the notification period.

Outdoor Advertising:

A 12 x 2 metre stone is proposed to be erected upon the subject land with a corporate logo facing Caloola Road which could be seen by Westbound traffic. The corporate signage of the MAC will be affixed to a rock infill gabion wall. The signage was consistent with the Council's outdoor advertising policy.

Whilst the development control plan does not provide specific guidance or standards for signage the assessment criteria; SEPP 64 – Advertising Structures has been used as a guide in the assessment of the application, in particular Schedule 1, termed assessment criteria. It is further noted that the signage as proposed is not of a significant nature and further in terms of its size, could be considered minor in terms of internal directional signage and room identification.

Parking Code:

The objectives of the parking development control plan is to provide a consistent guide for Council and also for developers; to provide adequate parking for people using and employed by developments within the shire; and to provide an acceptable quality of parking areas within the shire.

The proponent has identified and made allocation for a minimum of 639 car spaces..

The construction of the car parking will be asphalt seal in accordance with the construction requirements and from a review of the plans the car park shall be landscaped.

Annexure 1 prescribes the standard for the number of cars paces for each classification of development; As the village has been defined as a 'motel' the following provisions apply;

Motels; One space per unit, plus an additional one car space for each two employees. If a public restaurant or function room is included an additional 15 spaces per 100 square metres of customer area or 1 space per three seats whichever is greater.

As the application provides for 639 car spaces, and additional provisions for bus and motorcycle spaces this is inadequate in terms of consideration of the standards imposed by the plan. Based on the calculations listed for motel developments 852 plus one space for each staff member and 15 spaces per 100sqm of for area of the restaurant would need to be provided. This appears to be overly onerous based on the scale of the village and the expected type of persons to be using the facility based on a transient workforce rationale.

An appropriate justification has been made by the proponent that the majority of mine workers to use the village will be classed as 'itinerant workers' and generally operate on 'a fly in fly out' arrangement. The Statement of Environmental Effects produced by Caladines Planning Sydney outlines that a number of mini buses are proposed to shuttle workers to public transport including airport and train services where necessary. The buses will also operate to commute miners to work each day. Estimates or assumptions based on the mine employees indicate that an assumed 25% of the workforce would travel to Narrabri from Sydney, Brisbane and the Hunter by public transport such as bus, rail and airlines. Additional occupants such as the general public that are accommodated within the MAC village would be generally people arriving by car and adequate provision of car parking spaces which is arguably allocated for such persons in the 639 allocated spaces. It is the experience of the Council that in the Narrabri Accommodation Village, the proposed 75% of the required car spaces (as required by the DCP) in terms of the policy appears to be more than sufficient based upon the proponent's justification.

The area of the land lends itself to the provision of additional parking if and when required. Although the dining facility has been included in the car parking calculations as it is open to the general public, it is likely that it will be predominantly used by the occupants of the MAC village.

All internal car parking will be required to be designed in accordance with AS2890 off street parking including aisle widths and also individual car park dimensions.

(iiia) Planning Agreements or draft Planning Agreement [Section 79c (a)(iv)]

No planning agreements or draft planning agreements are relevant to this application in accordance with section 93F of the *Environmental Planning and Assessment Act 1979*.

(iv) The Regulations

The application has been considered against the *Environmental Planning and Assessment Regulation 2000*. Its consideration is required in this instance.

**Matters as prescribed by the regulations (*Environmental Planning and Assessment Regulation 2000*).
[Section 79C(1)(a)(iv)]**

Clause 92, 93, 94 and 94A of the Environmental Planning and Assessment Regulation 2000 prescribes certain matters that must be considered by Council in determination of a development application:

1. (Clause 92) Demolition – The land is considered vacant for the purposes of this development. If anything is to be demolished on the subject land including fences, or other ancillary structures a condition will be placed on the consent if approved that the demolition shall be carried out in accordance with AS 2601- demolition of structures.
2. (Clause 93) Fire Safety considerations - The proposed structure shall be a minimum of 10 metres from any side, rear or front boundary to the property. As part of the construction certificate, an assessment shall be made of the classification of the structure in accordance with the Building Code of Australia. It is likely that the development will be classified as a class 3 development. The fire safety measures to be imposed will be in accordance with the fire safety schedule issued for the BCA or NCC class.
3. (Clause 94) Buildings to be upgraded - there are no buildings on the land to be upgraded as a result of this application. This clause essentially relates to existing buildings that shall be upgraded for fire safety purposes.
4. (Clause 94A) Fire Safety and other considerations applying to erection of temporary structures; Fire safety has been reviewed as part of the assessment of this application. Conditions of consent will be provided if the application is approved, to ensure that appropriate documentation is provided with the construction certificate in accordance with the Building Code of Australia (BCA) or National Construction Code (NCC) for provision of fire safety measures.

Geotechnical reports (soil tests) shall also be requested at the construction certificate stage of the application to ensure that the ground is sufficiently firm and level to be able to sustain the structure while in use. It is noted however that the structures will be placed upon concrete piers and shall have footings designed and certified by a structural engineer.

(b) Likely Impacts of the Development – Environmental (natural & built), social and economic [Section 79c (1)(b)]

1. Context and Setting;

The development as proposed will be sympathetic to the character and amenity of the area. Following a detailed review of the statement of environmental effects and also the site and landscaping plan a number of features have been included in the design to preserve amenity.

Such features include;

- Comprehensive landscaping of the development to ensure that the proposal is not visually intrusive;
- Nominal setbacks from all boundaries (10 and 30m);
- New and innovative building materials and designs in keeping with the rural setting;
- Corporate signage in keeping with the rural landscape (Natural materials).

The proposal appears to be appropriate in terms of its character with the inclusion of arched roofed walkways, gazebos and timber features to complement the localised setting. The bulk scale and density of the development will be offset by dense mature landscaping and also setbacks from property boundaries.

It is not expected that there shall be any overshadowing issues generated by this development. From a review of the surrounding land uses there are no residential properties within close proximity which would be subject to shadowing of yard or living areas of their dwellings. Increased setbacks imposed by the proponent will also generally offset any exposure to overshadowing.

Privacy issues of the development will be mitigated by the cluster of buildings in modules and implementation of landscaping. It is not envisaged that any of the buildings shall overlook private open space of any adjoining land uses.

Due to the location of the village and the surrounding development there is no expected or perceived interruption of significant views or vistas. Views and vistas experienced within

the general area tend to be that of a natural agricultural landscape with intermittent rural residential and industrial development.

2. Access Transport and Traffic

The proponent has provided a traffic management report in support of the application produced by TPK and Associates Pty Ltd Traffic Assessment – Accommodation Village. The report identifies that traffic generation to the site will be sporadic in nature and it is expected that there will be three periods when traffic movements will be greatest – these shall be determined by the start and end of 8 hour rostered shifts. Further, the general public who seek accommodation will generally be entering the site after 12pm, and shall exit the site early the following morning (<10am). The identified periods of entry / departure for the majority of the patrons of the site are 6:30am to 3pm, 2pm to 11pm and 1030pm until 7am. During these periods it is assumed that there will be 27 trips conducted by both buses and also cars.

In the MAC model as outlined in the Traffic Overview Report prepared by TPK and Associates, it is expected that 75% of the occupants of the village will travel to the site using their personal vehicles however it is assumed that 25% will travel to the site using public transport such as flying and also buses / trains. This model has been varied from that of the model used in Narrabri due to its isolation from the Narrabri Airport and given that the majority of the workers will travel from the Hunter Valley and Queensland to the South of Boggabri. Following the initial arrival of the majority of the occupants by private vehicle, transport arrangements will be in place to collectively transport workers to the mines which shall substantially reduce the traffic generated by the facility.

The report identifies that 90% of the occupants of the facility will be associated with shift workers, 5% will be MAC staff, 5% other guests which generally include members of the public as required.

The travelling public and staff will generally not have access to public transport to the site and it has been considered during the assessment process that this 10% of occupants will require their own personal vehicle unless taxis were used which has not been assumed.

Car parking has been discussed in this report under the car parking Development Control Plan assessment. It is noted that the design concept as proposed by the proponent has been considered to significantly reduce the need for car parking spaces and appears to be adequately justified under this application.

The assessment officer confirms the consultant's report and the RMS findings that intersectional upgrades will be required on the Boston Street / Caloola Road intersection.

The timing for the works to occur should be prior to the issue of an interim or final occupation certificate in accordance with the RMS guidelines. The outcomes of the RMS referral has been discussed under the integrated referrals section of this report.

Road safety upgrades will be required as a result of increased traffic movements upon Caloola Road Boggabri. The TPK report has identified that the verges of the local road are overgrown and require slashing and maintaining on a regular basis to ensure driver visibility. Road safety devices such as guideposts also require inspection as a number of the posts have been damaged, are missing or are concealed by vegetation. Council's Engineering Services Division has considered the additional traffic movements on the road and have advised that the road should be widened to cater for the additional traffic loading and also to ensure safety of the public. Increasing the width of the road shoulders and further sealing will promote greater safety in the separation of traffic and will enable greater visibility of oncoming traffic and other hazards such as localised wildlife. Technical specifications of the road widening shall be reflected through the conditions of development consent should the application be determined by way of approval. Civil plans will be required to be produced by a qualified and professional civil engineer and submitted to Council for approval prior to the issue of a construction certificate for the development.

Road re-alignment will also be required on the Southern approach to the rail line on Boston Street, Boggabri following an inspection of the rail / road intersection. Discussions should also be held with John Holland the appropriate rail maintenance authority to repair the surface on the crossing between the tracks. The surface has become dislodged and has sunk in comparison to the surrounding surfaces on the approach to the crossing. This has become hazardous to traffic attempting to cross the intersection including slow traffic.

3. Public Domain

The motel accommodation will provide open space landscaped areas for recreational opportunities within the development boundaries. It is noted that the proponent shall be encouraged to use local facilities within Boggabri rather than duplication of community owned and operated infrastructure.

4. Utilities

It has been acknowledged that water infrastructure exists to the South of the development site and further is available for connection. Additional upgrade requirements including augmentation have been outlined in the Bruce McFarlane Consulting report. The upgrades include bore upgrade requirements including increase hours of operation, storage capacity

increases, head increase requirements and further pressure upgrades. It is expected that the development will require a 111L per unit per day consumption demand on the water infrastructure and Council's Design Services division has provided in principle approval of the proposed concept servicing plan providing that additional investigations and detailed analysis is provided to Council for approval prior to the issue of a construction certificate for the development. Appropriate easements will need to be sourced under section 88B of the *Conveyancing Act* and compensation will need to be provided to any lands which are burdened by the restriction on the respective property title.

The disposal of sewer into the Council's sewer infrastructure will place considerable demands on the Sewerage Treatment Plant (STP) in the order of peak 520KL per day in dry weather flow and 840KL per day in wet weather flow. Council's Design Services has advised that the Boggabri Sewerage Treatment Facility will require detailed investigation and a hydraulic engineer will need to provide civil plans for the upgrade of the facility in order to provide additional capacity to cater for increased demands on the system. Design Services has reviewed the reports received by Bruce McFarlane Consulting and has provided 'in principle' approval that the concept design as proposed including that the volume discharges can be handled at the current facility subject to detailed design and further upgrades. The design and construction of the additional infrastructure / augmentation, including infrastructure upgrades will be at the cost of the proponent.

5. Heritage

The land is not identified as a heritage item in schedule 2 of the *Narrabri Local Environment Plan 1992*. Accordingly the application has not been forwarded to Council's Heritage consultant for review.

Within the schedule 2 of Local Environmental Plan 1992, a review of the heritage items reveals that adjoining allotments are not classed as items of heritage value. Therefore it is considered that the proposal will not impact on any adjoining heritage items.

According to the Department of Environment and Climate Changes Website there does not appear to be any aboriginal relics or aboriginal heritage items located on the property. Conditions If any items are found in construction, construction works shall cease and the Department of Environment and Climate Change and Water shall be notified.

As the development is not listed as a heritage item no specific heritage study is required to be submitted as part of this development application.

6. Other Land resources

The land is observed to be vacant and is considered to be of marginal agricultural value in particular with cropping due to both the soil type and also adjacent rural and residential land uses which would have the potential to create land use conflict from noise dust and aerial spraying. The area of the land being 21.06 hectares is not considered to be of a size to support sustainable or viable agricultural production. The land is currently vacant and has not been used for agricultural purposes in recent times. Therefore the proposal is not considered to negatively impact on productive agricultural land.

The subject allotment does not support a size to enable productive and viable mineral and extraction industries. As the land is located within close proximity to residential dwellings, industry and also the urban fringe the site is considered unsuitable for mineral extraction or extractive industries.

The nature of the development proposed is not expected to impact upon water supply catchments either via pollution or reduction in net water resources. Impervious surfaces created by the development shall generally be collected for re-use in the facility.

7. Water

Council's Engineers have advised that with the duplication of the existing storage and increase in bore hours of operation there will be sufficient town water resources available to supply the development in accordance with the calculations provided by the hydraulic design Engineers Bruce McFarlane Consulting. Should the town supply bore become dysfunctional to the South of the site the developer would be required to provide a minimum of two days storage in order to service the development, stand alone to the town supply.

Water pressure has been identified as an issue and the proponent will be required to provide additional pumps on site to ensure the appropriate pressure of 450KPA will be provided for both operational purposes and also fire fighting purposes. Detailed analysis will be required to be undertaken prior to the issue of a construction certificate to ensure that suitable volume and required pressures are achievable within the town bore infrastructure, although the McFarlane report is confident that the requirements can be met.

From a review of the hydraulic calculations, the facility will require 104.8 Kilo Litres of potable water per day in order to supply the facility operational needs. Static water sources such as stormwater detention ponds and also stormwater storage tanks shall be used to supplement reticulated water supplies on landscaping proposed for the site.

In regards to Council's existing water supplies the daily average consumption of the development of 852 rooms is 304.88KL is considered significant when contrasted against the overall infrastructure reserves. Accordingly, additional storage capacity will be required and also testing of the existing bore to establish the sustainability of the existing bore capacity and delivery volumes and also the ability to increase the current bore pump hours to 16.4 hours per day in order to deliver the required volume.

Surface water generated from impervious surfaces such as path ways, roads and hardstand areas and also proposed building improvements and ancillary structures shall be harvested and stored within static water sources. Detention ponds have been identified in the North Eastern section of the site to retain stormwater onsite for reuse along with additional storage tanks to retain roof storm water.

8. Soils

Earthworks including excavation for the roads and also footings for proposal could cause soil erosion following prolonged rainfall events. Disturbance of the soil and removal of grass vegetation allows soils to be exposed and eroded. Sedimentation and erosion control plan will be required to be submitted at the time of a construction certificate for the development application. The plan will outline mechanisms and also structures to be erected to reduce the likely hood or erosion on the land.

During an inspection of the site there was no evidence found to suggest that there was any salinity or salinity issues present on the site.

All sewerage waste and other wastes generated by the development will be disposed of either via Council's sewer or a commercial contractor (ie for the disposal of solid wastes). It is not expected that the development will have the potential to pollute any water bodies in the vicinity of the site.

Soil contamination has been discussed within the statutory considerations of this report under state environmental planning policy 55 – remediation of land. In summary there is no evidence to suggest that the land is contaminated from both a review of the site and also previous land uses associated with the allotments.

9. Air and Microclimate

During the assessment of the application it was noted that operational trafficable areas of the development will be sealed to prevent the generation of dust and other air impurities. The development shall be conditioned if approved to use water carts on road surfaces during times of construction and excavation where dust may become an issue.

The operational use of the facility will not generate any odour, fumes or pollutants. Any commercial waste bins will be separated from the main buildings and shall be regularly cleaned, screened and covered to prevent emission of odour.

The nature of the project is not considered to affect air quality or microclimate conditions.

10. Flora and Fauna

A Koala Habitat assessment has been carried out and has been addressed in the statutory considerations for State Environmental Planning Policies of this report in particular SEPP44. The development site has not been considered as potential koala habitat for the purposes of the EPI.

A threatened species assessment has been conducted as part of the application including a seven part test for any known endangered flora and fauna species within the region. The Ambecol report was submitted in support of the application and provides recommendations including;

- the retention of a clump of 128 immature white boxes in the north eastern corner of the allotment;
- Trees or shrubs that are proposed to be cleared from the site should be checked for the presence of active nests of birds and arboreal mammals.
- Trees that are proposed to be cleared or pruned should be checked for animals beforehand and after felling or pruning.
- Silt fences and sediment ponds should be appropriately placed around the earthworks and construction areas on the subject site.
- Trees and other vegetation that will be removed from the site should be conducted with minimal disturbance to the soil.
- Construction and wastes must be managed appropriately to prevent accidental discharge of chemicals or other pollutants into waterways and native vegetation adjacent to the subject site
- Proposed landscaped areas particularly along the banks of the natural watercourse should be planted with locally native trees and ground covers
- Implement an effective weed management plan on the subject site.

Further, following the seven part tests for any known endangered species it was found that an Environmental Impact Statement was not required for this development and further that there was no significant impacts identified as a result of this application on the status of any endangered species.

Council staff have discussed the application with the Catchment Management Authority Gunnedah who have advised that the application will not require consent under the Native Vegetation Act 2005 for removal of ground covers as the various grass cover on site has been considered as regrowth for the purposes of the application. It is noted that the land has been cultivated in recent years as a part of a larger farming enterprise holding however native grasses are no characteristic on the site.

A consultants report termed the 'Flora and Fauna Survey Assessment' will be used to guide the establishment of the village on the site and generally has been consulted to produce the site plan or master plan layout. The retention of site significant trees and other significant vegetation is foreshadowed in the site plan from the reports findings.

11. Waste

There will be two types of waste generated as a result of the construction and operational phases of the development; putrescible and non putrescible wastes. Solid waste generated by the development will be either commercially recycled or transported to the Narrabri Landfill by commercial contractor for disposal. Landfill waste disposal will be minimised through onsite management practices to promote recycling including recycling collection stations being provided around the site.

Commercial bins will be required to be screened from the view of the public and shall be regularly cleaned to prevent odour. The location of the bins shall also enable easy access by contractors and be located in order to minimise noise issues to both the occupants of the development and also adjoining land uses.

A waste management plan has been provided as part of the development application. The plan outlines that approximately 6.48 cubic metres of waste will be generated per week during the operational phase of the development and this will be appropriately managed under contract to a local waste disposal provider. Within the 6.48 cubic metres of waste it is expected that 4.32 cubic metres of this will be recycled with the remainder transferred to landfill. It is noted that Boggabri only provides a station that is licensed only as a waste transfer station and due to capacity restrictions, the waste generated by the accommodation village will need to be transferred to Narrabri or Gunnedah for disposal. Construction waste that is generated as part of the construction phase of the development will be minimal as the

majority of the construction will take place off site at a construction plant in Brisbane and Adelaide.

12. Energy

The development shall conserve energy through planned location of the building modules to maximise light infiltration in winter and reduce heat in summer. From a review of the site plan it appears that the modules are aligned in a Northerly direction to allow for solar infiltration. The proponent has advised that the modules will be insulated to reduce energy consumption associated with air conditioning due to the climate of Narrabri. The proposal also includes energy efficient lighting, water efficient tap fittings and energy efficient appliances.

It is expected that the application will also comply with section J of the Building Code of Australia (BCA) which shall form a condition of consent if the application is approved and will be required to be presented in the construction certificate application.

13. Noise and Vibration

During the construction phase of the development, it is expected that machinery and plant will be operated which will generate noise. Should the application be approved conditions will be imposed on the development to minimise or control construction noise in accordance with the New South Wales Industrial Noise Policy (INP) produced by the former Department of Environment and Climate Change and water (DECCW). The proximity to other receptors of the site will by default reduce the impact of noise on adjoining residential properties. Likely conditions will also outline a time restriction for works on a weekdays and also weekends. These time restrictions will prevent works from being carried out outside these hours in order to protect the amenity of the area and adjoining properties.

Vibration will occur from the operation of plant and also excavation of ground materials however due to the size of the allotment it is not expected that vibration transpire onto adjoining lands.

Operational noise shall be limited through two separate means; Firstly the imposition of the Industrial Noise Policy (INP) and secondly through the use of on site noise management plans imposed by the proponent and also the design and layout of the operation. Noise screening has been imposed through landscaping and also location of building modules. The setbacks adopted shall also aid in the restriction of noise emissions. Car parks and

trafficable areas will also be heavily landscaped to prevent the intrusion of noise associated with vehicles and entrance and egress of the occupants of the facility.

14. Natural Hazards

Following a review of the Rural Fire Service (RFS) Bushfire Prone Land Map, the site has not been identified as bushfire prone land in accordance with the statutory provisions of the *Rural Fires Act 1997*.

Due to the elevation of the land, the site is not susceptible to flood inundation. Natural impervious surface runoff from prolonged rainfall events is proposed to be channelled into appropriately sized on site detention basins. It is proposed that the buildings be sited 300mm above natural ground level to enable surface runoff and also to enable air circulation.

15. Technological Hazards

Consideration to the statutory provisions of land contamination of the site has been provided under the heading of State Environmental Planning Policy 55 – remediation of land in this report. In summary, there has been no evidence found of land contamination and the previous uses of the land have not indicated any use which would cause land contamination.

16. Safety, Security and Crime Prevention

A crime prevention strategy has been provided by the MAC services group in support of the application and provides protocols to be implemented on the site in accordance with CPTED principles.

The application provides for surveillance cameras to be utilised throughout the development for protection to property and further for the safety of the occupants and employees of the Motel. Surveillance cameras shall be used in all common areas including car parks, recreational grounds and public buildings such as the laundry facilities, and central dining areas. Security signage will also be provided on all entrance ways to signify security patrols and camera presence.

Natural access control to the site shall be provided by appropriate fencing to the boundaries of the allotment. Territorial reinforcement has been incorporated to the village via the location of corporate signage to the front entrance of the site.

The application makes provision for management of space appropriately by inclusion of illuminated walkways from car parks to central facilities and also the motel rooms. It has been considered that the proposed improvements on the land have been laid out to promote crime prevention and security of occupants.

Natural surveillance techniques have also been proposed throughout the development to ensure and to promote surveillance of common areas throughout the development. Site specific controls such as security guards, CCTV surveillance, internal code of conduct procedures and police presence will be employed on site.

The crime prevention plan was referred to the local police command however no response has been received to date (at the drafting of this report). Further, it is noted that there is no local CPTED committee in operation within the Narrabri or Boggabri district at present.

17. Economic Impact in the locality

The development as proposed is aimed at increasing immediate supply of accommodation to the Narrabri market. Although a contract shall be in place with Whitehaven Coal Mine (Narrabri Coal Project) and Aston Resources initially for accommodation services to their employees, it is also noted that rooms shall be available for use by the general public should they wish to use the facility. From a review of the accommodation industry within Narrabri it appears that from discussions with a number of motel owners that there is currently not the supply available to be able to adequately accept an additional 650 plus people in the first instance being introduced to the area.

Quite often it is difficult to obtain accommodation in Boggabri and Narrabri and it can be observed that the majority of Motels within Narrabri and the Nestle Inn Motel in Boggabri have no vacancies during the working week and high occupancy levels are also experienced on weekends.

The rental market in Boggabri is also quite competitive with little stock either on or entering the market. New stock appears to be relatively expensive with some rental expectations being comparatively similar or in excess of those of coastal regions.

Serviced apartments in Narrabri such as Executive Oasis development in Riverbend Estate have reportedly being solid booked (100% occupancy rate) for at least twelve months by mining officials seeking guaranteed accommodation, which demonstrates the strength of demand currently being experienced. Further applications have been approved for a number

of serviced apartment developments in Boggabri and further a 23 room motel has also been proposed and Council approved for Laidlaw Street, Boggabri.

In 2013 Whitehaven Coal will be commencing a Maules Creek Coal Project in addition to Narrabri Coal Operations (underground), Tarrawonga Coal (Whitehaven) and also Boggabri Coal (Idemitsu) expansions and will have an expected combined workforce in excess of 2000 people. A recent application has also been tabled for the recommencement of the Vickery Coal mine project on the Narrabri / Gunnedah LGA border. These mining operations along with service industries and also contractors will come with substantial immediate housing requirements that will outstrip local supply of motel and serviced apartment accommodation, rental accommodation and new housing stock supplies. In effect, if supply is not increased the demand will significantly drive housing and accommodation to unaffordable levels. Housing affordability is becoming and increasing issue as a result of lack of supply and increasing demands. From a review of local real estate data, some two bedroom units are being rented in excess of \$500 to 600 per week. Other larger premises that have the ability to be used as a boarding house type arrangement with additional bedroom capacity have been rented for \$1500 - \$1600 per week in Boggabri alone.

Without the provision of localised accommodation mining operations will not be able to operate and also the general public will continue to be turned away to other local centres such as Gunnedah and Moree.

The proponent, The MAC group have publically advised that their operation will provide additional accommodation to the expected influx of people and are not looking to directly compete with existing motel operators. It is expected that there will be a multiplier effect generated attracting additional staff from the construction and operational phases of all mines with support industries and also contractors requiring significant accommodation needs.

Local trades will be sourced for the erection of the village and service connections such as plumbers, fitters, electricians and also general labourers. The application identifies that local landscaping supplies will be used for sourcing of plant and other landscaping materials for use in the development that shall have a multiplier effect on the local economy.

The application outlines the employment of local staff for the management, maintenance, cleaning, cooking and washing, creating additional fulltime, part time and casual employment opportunities in the Narrabri Local Government Area.

The supply of materials and also food products shall be sourced locally through a tender process including but not limited to meats, vegetables, and fruit. Other consumables shall be procured through local suppliers to ensure that economic stimulus is provided directly to the local economy.

Council will impose conditions of consent should the development be approved to use local facilities such as public pools and also recreational facilities such as gyms and sporting fields (it is noted that proposal will include its own gym facilities). The proponent has indicated that as a community benefit the facilities such as the gym will be open to the public for its use without charge. This will also assist in integration within the community of both the overnight travellers or occupants staying in the accommodation, the mine employees and the general community.

The application will also allow for the introduction of new business opportunities into the Boggabri business portfolio. The growth in demand for accommodation products within Narrabri has acted as a catalyst for the proponent to introduce its brand in addition to Narrabri into the town of Boggabri and establish a new facility to service these increasing demands.

A social and economic study has also been produced by Six Hills Consultants Tamworth in support of the application. The report outlines that the facility will generally not impact on other motel and accommodation businesses which currently exist within Boggabri on the basis that although the facility is open to all types of travellers in the general public, the majority of the users of the facility will be persons associated with the mines. Given the current occupancy levels of the established motel and serviced apartments, the MAC facility will only be providing accommodation supply to additional demands created by an influx of mining and associated industries in the area, in addition to existing current demands.

The report also outlines the current and proposed local expenditure within Narrabri Shire for both construction and also operational expenditure.

Further economic discussion, in summary;

- i) The employment of locals promotes both a positive image for the township and also allows funds to be retained within Boggabri and the wider Narrabri Shire community.
- ii) The imposition of such a facility, re-enforces that businesses are optimistic in outlaying substantial investments in small communities located within the Narrabri Shire.

- iii) Investments of this magnitude within the shire instigate a positive ‘flow on effect’ in both construction costs and also on-going employment of staff and sourcing of local materials.
- iv) The proposal may instigate the use of subsidiary employment upon a contractual arrangement of local business to cover any localised demands and corporate business contracts for materials.
- v) Local demand pressures currently being experienced needs to be stemmed to ensure housing, rental and accommodation supply and affordability.
- vi) Accommodation supplies need to be further increased to ensure retention of current and proposed mining operations and also to ensure that members of the public are assured of a place of accommodation.

18. Social Impacts in the locality

Negative stigma attached to the concentration of a large number of people concentrated in one area (for instance mine workers and also the general public) may be overcome by the breaking down of the social isolation of the development. The reliance of the facility on local public amenities such as pools and sporting infrastructure will create resilience to localised social isolation and create and encourage better relationships with the local community. Boggabri township represents a good opportunity for recreational parks, sporting grounds, pools and although identified to be included within the facility a gym. The proponent in order to foster relationships with the town will be able to provide local upgraded facilities such as gyms and also retail outlets for use by members of the public to promote cohesiveness with the town.

The provision of employment opportunities allows for both social cohesion and the discouraging of unemployment benefit reliance. It is noted that the development as proposed will employ a number of full time and part time local employees including skilled staff and also general labourers. It is noted that this is in addition to initial employment generated within the construction workforce.

The proposed development has been located strategically on the fringe of the township (some 2km to the East of the site) to engage further business opportunity from both mine generated accommodation requirements and also that of the general public. The development lends itself by virtue of its location to both the mining operations and also travelling public, being in close proximity to the town.

Further business opportunities may also be created from other industries requiring accommodation including the local agricultural, scientific and manufacturing base in Narrabri and Boggabri creating social opportunities for employment.

The establishment of such a facility may promote the development of other subsidiary businesses within the township creating further positive employment social opportunities for local constituents.

Counselling services should be made available by the proponent to ensure welfare of all occupants whether mining related or the travelling public.

19. Site Design and Internal Design

The proponent has provided an internal layout which is supportive of a number of features;

1. Firstly, the plan recognises and is sympathetic of local topography ensuring that natural drainage lines are maintained and site significant vegetation are appropriately retained and buffered.
2. The site has been designed to take advantage of vistas to the North East of the site looking across to the Nandewar ranges.
3. The facilities, maintenance and retail buildings and laundry facilities have been located centrally within close proximity of both proposed and future accommodation modules to enable central access to both mining employees and members of the general public.
4. Internal road infrastructure and access has been designed in order to promote traffic flow and efficiency in enabling vehicles to enter and egress the site at a defined entry point from Caloola Road, Boggabri. The internal road network promotes circulation of traffic and provision of parking within close proximity to the accommodation units.
5. Nominal setbacks have been utilised in the application to promote amenity, both visual and acoustic especially with respect to adjoining industrial land uses to the East and approved Rural Residential land uses to the West.
6. If the development is determined by way of approval conditions will be imposed for the sealing of internal trafficable areas to ensure dust suppression and kerb and gutter will be required for stormwater disposal.

In summary, the site has been designed in order to maximise and exploit opportunities associated with the natural features of the land whilst also taking into account the built form and preservation of existing environmental amenity.

20. Construction

The construction of the motel accommodation shall be of a transportable nature. Individual rooms shall be prefabricated and consist of materials conforming to the requirements of the former Building Code of Australia and the National Construction Code. Generally, the external walls of the motel rooms will be colourbond type steel, pre-coloured and the roof construction will be zincalume.

It is not expected that the proposal will create environmental or safety issues within the construction phase of the development. Temporary fencing shall be erected around the development in accordance with Work-cover safety guidelines and appropriate construction site signage will form conditions of development consent should the application be approved. Traffic signage shall be also erected for heavy plant, machinery and also transportation vehicles entering and egressing the development.

21. Cumulative impacts

There are a number of cumulative impacts that have been considered as a result of this application. The impacts include;

1. Increase and concentration of traffic onto the Caloola Road and Kamilaroi intersection. This has been discussed earlier in this report under the statutory considerations of both traffic and also parking. It is noted that however as there will be an increase in local traffic it has been identified in the application that the proponent shall provided buses in order to pool predominantly mining employees to the mine sites. Whilst it is noted that the general public using the facility would usually provide their own means of private transport, an increase in traffic associated with the site will be offset through local road and intersectional upgrades.
2. Increase in traffic movements upon Caloola Road, Boggabri will require additional road improvements to be carried out in the form of road widening. The current road infrastructure is a rural sealed road with a 7m road width and, additional road widening will be required in order to facilitate greater traffic movements servicing the development.
3. Concentration of mining employees and related social issues. The application has stated that the MAC group provides strict management protocols for its occupants including drug screening, alcohol screening and behaviour management. It is expected that the

management task of the group should ensure that negative behaviours are not concentrated in the area or spill over into the local community.

4. Sewer and Water cumulative impacts. The demands placed upon existing pressure shall require the proponent to provide new sewer augmentation from the development site to the Boggabri Sewerage treatment facility. This infrastructure shall be provided at the cost of the developer and shall extend some 2.8km to the treatment plant. It is expected that further detailed analysis will be required to be carried out on the sewerage treatment plant to determine the exact requirements to increase its capacity to service the development. The development shall also place additional demands upon water pressures in the general area and it is likely that the current pressures shall not adequately service the motel. Tanks and also pumps shall be required to be installed in order to overcome water head issues. It is noted that due to the size of the development it is likely that either upgrading of the existing Boggabri bore and duplication of the water storage infrastructure must be carried out or an additional bore will be required to be constructed and suitable tanks and pumps installed to provide the relevant required pressure and storage.
5. Protection in the form of landscaping and also setbacks shall be provided from the concentration of accommodation modules to adjoining rural residential and the extractive industry to the East of the site.
6. It is expected that additional traffic volume will be required to traverse the rail line intersection upon Caloola Road and the Northern rail line. From an inspection of the site it was determined that the rail line intersection with the Caroolo road has been recently upgraded to include traffic control signals. Some minor works may be required to be carried out to a deformation in the centre of the tracks which has created a 'slump' for vehicles to cross when travelling West on road. Council will take this matter separately to this application with John Holland the relevant maintenance authority for the rail line infrastructure.

22. Suitability of the Site for Development (section 79(c)(1)(c))

1. The development site has been chosen as it possesses a number of qualities that are beneficial to both the mines and also the local community. These include ;
 - a) The site is less than 30 minutes by road from the Narrabri Coal Project Whitehaven Coal Mine and 15 minutes drive to other coal mines such as Boggabri Coal / Idemitsu, Maules Creek Coal Project and also Turrawonga Coal which will reduce driver fatigue following completion of shift work;

- b) The site is located within close proximity (2.5km) of the Boggabri CBD and will provide additional supply to the accommodation industry in Boggabri for members of the general public.
 - c) The site has good access to transport. The site is located within a relatively close proximity of 50km to the Narrabri Airport which shall allow for both members of the public and also miners to access commercial airline transport. The site is also 2km from rail and commercial bus stops.
 - d) The site is located on the fringe of the urbanised area of Boggabri providing good access to local facilities within Narrabri including retail, community amenities such as pools, parks etc. The site is also within walking distance of local eateries and also pubs such as the Imperial Hotel and clubs such as the Bowling Club.
 - e) The site will require minor extension of infrastructure such as water and sewerage facilities. This infrastructure will be extended and upgraded at the cost of the developer. Council will either carry out the works under a Private Works Agreement (PWA) or a contractor will be engaged under the supervision of Council at the cost of the developer.
 - f) The development area of 21.06 hectares is of sufficient size to support the development however it is understood that the MAC services group has procured the allotment to the immediate North of the site which enables an additional 20 hectares of land for future expansion should further demand warrant such further development of the site.
2. The adjoining land uses are rural residential and also industrial. It is noted that the development as proposed is considered compatible with these uses providing that controls are in place. Such controls include landscaping to be maintained within the interface from the site to the rural / rural residential land uses and minimum setbacks and heavy mature planting is imposed adjacent to the industrial land uses to the East of the site. The screening of the industry will counteract any likely issues in relation to noise, dust and visual amenity associated with the extractive industry.
3. The development site was considered due to the nature of the development requiring a significant portion of land in order to accommodate the development. The site also posed an opportunity with services being in close proximity to the land requiring little extension to the water services. The site was also considered due to opportunities associated with its flood free nature.

4. Due to the nature of the development requiring a large tracks of land to support the proposal, it is not possible to locate the motel within the urban area as such supply of land within the market does not currently exist within Boggabri.

23. Submissions (section 79(c)(1)(d))

The development application has been assessed in accordance with the Narrabri Notification Policy under the definition of a 'motel' and has been categorically classed as an 'A' type development requiring advertisement in the newspaper, notification placed upon the land and also neighbouring properties notified in writing. The policy also provides for the assessment officers discretion in determining the type of notification to be provided.

In accordance with the policy the development application was publically exhibited from the 17th February 2012 until the 22 March 2012.

The application was placed on exhibition in the Courier on four separate occasions during the exhibition period and the Boggabri Supplement on 2 separate occasions and a notice was placed on land (in four locations and photographed) and all adjoining neighbours were notified in writing and were provided a site plan and also a schematic of the proposed village cabins.

The notification period attracted no submissions from the public.

2. The Public Interest (Section 79(c))

Considerations under this heading relate more specifically to various policies and guidelines by the various government agencies that reflect what is considered to be public interest in a corporate sense.

It is however within the public interest to have an available supply of accommodation in support of both mining operations and also the general public. The additional supply of accommodation will enable housing and rental costs to be alleviated promoting housing affordability within the shire. The development will also enable employment opportunities in the area and support local business through local supplies procurement.

Policy Implications

There are no expected policy implications as a result of this application however, any perceived policy implications have been included as part of the section 79C assessment detailed in the commentary.

Legal Implications

The assessment of the subject development application has been made in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*. Recommendation for determination of the application is made in good faith with appropriate regard to the legislation.

There are avenues of appeal for an applicant that is not satisfied with a decision of Council with regard to its determination of a development application. This is provided for by section 97 (1) of the Act as follows:

- (i) *An applicant who is dissatisfied with the determination of a consent authority with respect to the applicant's development application (including a determination on a review under section 82A) may appeal to the Court within 12 months after:*
 - (a) *the date on which the applicant received notice, given in accordance with the regulations, of the determination of that application, or*
 - (b) *the date on which that application is taken to have been determined under section 82 (1).*

The Land and Environment Court under Class 1 of its jurisdiction would hear such an appeal (s 17, *Land and Environment Court Act 1979*).

While appeals by objectors against a determination by Council are not possible unless in the case of designated development, proceedings may be brought by any person to remedy or restrain a breach of the Act. Section 123 of the Act provides that:

- (1) *Any person may bring proceedings in the Court for an order to remedy or restrain a breach of this Act, whether or not any right of that person has been or may be infringed by or as a consequence of that breach.*
- (2) *Proceedings under this section may be brought by a person on his or her own behalf or on behalf of himself or herself and on behalf of other persons (with their consent), or a body corporate or unincorporated (with the consent of its committee or other controlling or governing body), having like or common interests in those proceedings.*
- (3) *Any person on whose behalf proceedings are brought is entitled to contribute or provide for the payment of the legal costs and expenses incurred by the person bringing the proceedings.*
- (4) *(repealed)*

It is important to further note that under section 122 of the Act, a reference to the Act includes a reference to an Environmental Planning Instrument.

The Land and Environment Court under Class 4 of its jurisdiction would hear such proceedings (s 20, Land and Environment Court Act 1979). These proceedings do not constitute an appeal per se as new facts can be introduced, as the case need not be restricted to points of law. The outcome of such proceedings is that the Court may issue Orders if it is satisfied that a breach of the Act has been committed (s 124 Environmental Planning and Assessment Act 1979).

Financial Implications

The financial implication of Council's decision in this matter is directly related to the legal implications. The possibilities are detailed as follows:

- 1) Should the proponent choose to appeal an refusal by Council through the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would still be a matter for the Court to determine.
- 2) Should the proponent choose to appeal a refusal by Council through the Land and Environment Court and win, the question of cost would still be a matter for the Court to determine.
- 3) Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would still be a matter for the Court to determine.
- 4) Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and win, the question of cost would still be a matter for the Court to determine.
- 5) Should the applicant make no appeal, or proceedings not be taken out by another party, to the Land and Environment Court regardless of the determination, will result in no further financial implication to Council.

Recommendation to the Joint Regional Planning Panel;

That the Joint Regional Planning Panel APPROVE development application 138/2012 being stages 2 to 5 subject to the attached proposed schedule of development consent conditions.

DA 138/2012 DRAFT SCHEDULE OF DEVELOPMENT CONSENT CONDITIONS

1. The determination shall be regarded as being in accordance with the particulars and information set out and described in **Development Application No. 138/2012** registered in Council's records as of **27 September 2011** except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.

STATUTORY

2. Prior to the commencement of the proposed development, the proponent shall submit a formal application for a Construction Certificate, together with all prescribed fees, plans and specifications be submitted to and approved by Council, or alternatively a privately certified Construction Certificate be lodged with council no less than forty eight (48) hours prior to the commencement of the proposed development.

REASON: To comply with Council's statutory requirements.

3. The proponent shall notify Council, not less than forty eight (48) hours prior to the commencement of the work of:
 - date of commencement of the work.
 - name of the principle certifying authority for the issue of compliance, occupation and/or subdivision certificates.

REASON: To comply with Council's statutory requirements.

4. Where Council is not the Principal Certifying Authority (PCA), Council will require copies of inspection reports for the following stages of construction as follows:
 - a. Commencement.
 - b. Flashing of wet areas.
 - c. Stormwater drainage before covering.
 - e. Final - when building is completed, in accordance with approved plans and specifications, **prior to occupation.**

Where Council is the Principal Certifying Authority (PCA) Council will require inspections to be carried out by Council's accredited certifier at the aforementioned stages.

It should be noted that if a stage requires a second inspection, due to work being incomplete or wrong, Council may require an additional fee to carry out the work.

REASON: To comply with Council's requirements.

5. Prior to the commencement of construction, the proponent shall lodge with Council, and receive approval for the following listed S68 Local Approval (s):

IN TOWN

- B1 – carry out water supply work
- B4 – carry out sewerage work
- B5 – carry out stormwater drainage work

OUT OF TOWN

- C5 – Install, construct or alter a waste treatment device
- F10 – Operate onsite sewerage waste management system

REASON: To comply with Council's statutory requirements.

6. Where Council is not the Principal Certifying Authority (PCA), the proponent or private certifier shall submit a construction certificate to Council prior to building works commencing on the subject allotment.

Where Council is nominated as the PCA, the proponent shall make application to the Narrabri Shire Council.

REASON: To comply with Council's statutory requirements.

7. Where Council is not the Principal Certifying Authority an Occupation Certificate shall be submitted to Council when the building work has been completed and prior to the occupation of the building / occupation of the land.

Where Council is nominated as the PCA, the proponent shall make application to the Narrabri Shire Council for an occupation certificate for each individual stage of the development.

Notes:

- if the certificate is being issued by a private certifier, the certificate is to be lodged with Council not less than forty eight (48) hours to the occupation of the building/structure.

REASON: To comply with Council's statutory requirements.

8. The building / structures shall be constructed in accordance with the requirements of the National Construction Code 2011.

Advice; The original application was lodged in 2011 and accordingly the NCC 2011 is used for the purposes of determining any compliance requirements for the application.

REASON: To comply with Council's statutory requirements.

9. The proponent shall erect signage in a prominent position on the site:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

REASON: To comply with Council's statutory requirements.

10. The building / structure shall comply with the requirements of the Commonwealth Disability Discrimination Act, 1992 and the Commonwealth Premises Code and the NSW Anti-Discrimination Act 1977.

Note 1: The Disability Discrimination Act 1992 and the Anti-Discrimination Act 1977 provide that it is an offence to discriminate against a person in a number of different situations. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE BUILDING COMPLIES WITH THIS LEGISLATION.

Note 2: Guidelines in respect of disabled access and produced by the Human Rights and Equal Opportunity Commission are available from the Commission or from Council's Environmental

Services Department. The Applicant should ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

REASON: To comply with Council's statutory requirements.

11. Protection of public places

1. If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public placea hoarding or fence must be erected between the work site and the public place.
2. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
3. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
4. Any such hoarding, fence or awning is to be removed when the work has been completed.

REASON: To ensure that measures have been established to provide the protection of public places.

ACCESS

12. All internal driveways, parking and manoeuvring areas be constructed with a paved surface, either concrete, seal or commercial paver with parking bays and traffic flow directions to be clearly delineated.

REASON: To comply with Council's requirements.

13. All parking on site shall be designed to comply with AS2890 off street parking. Including design of aisle widths and also parking space dimensions. Car parking areas are to be heavily landscaped to reduce noise issues.

REASON: To comply with Council's requirements.

GENERAL

14. All works associated with the implementation / construction of the proposed activity (Not operation of the proposal post occupational certificate), involving electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours of operation:

Monday to Saturday	7am to 6pm
Sunday	10am – 4pm
Public Holidays	10am to 4pm

Advice: All noise generating activities are subject to the requirements of the protection of the Environment Operations Act 1997. This condition of consent does not relieve the proponent including developers, contractors or their agents from the requirements under the relevant noise control legislation (POEO Act 1997).

REASON: Statutory Requirement

15. Temporary toilet facilities shall be provided on the said allotment prior to the commencement of any site or building work.
- REASON:** To comply with Council's requirements
16. Any damage caused to Council's infrastructure including but not limited to footpaths, roads, drainage, Kerb and Gutters, laybacks or other public land shall be restored in accordance with Council's Design Specifications at the full cost to the developer. Where a dispute arises over the person(s) responsible for the damage, Council shall reserve the right to carry out work to remedy such damage(s) at the proponents cost.
- REASON:** To comply with Council's requirements.
17. The proponent shall install suitable protection to ensure that damage to Council infrastructure does not occur during the construction phase of the development.
- REASON:** To comply with Council's requirements.
18. The proponent shall install suitable protection to ensure that public trees are protected from damage arising during the construction phase of the development.
- REASON:** To comply with Council's requirements.
19. The proponent shall not remove street trees owned by Council on public land. Any pruning or removal of street trees will be subject to approval by Council under the Urban Tree Management Policy.
- Advice: Further information may be obtained by contacting Council's Parks and Gardens Overseer / Co-ordinator.
- REASON:** To comply with Council's requirements.
20. No materials or machinery to be used in the construction of the building shall be stored or stacked on Council's footpath, nature strip, public defined land or roadway.
- REASON:** To comply with Council's requirements.
21. During construction of the proposed building or structure(s) no construction vehicles are to be parked on roads / rear lane ways as to restrict traffic flow and or access to allotments.
- REASON:** To comply with Council's requirements.
22. The proponent shall not burn waste material, felled trees or other material on the said land. All waste materials shall be directed to a Narrabri Local Government Area waste management or other approved facility.
- REASON:** To comply with Council's requirements.
23. The proponent shall provide at least forty-eight (48) hours notice be given to Council when any inspection is required.
- REASON:** To comply with the requirements of Clause X of the *Environmental Planning and Assessment Regulation 2000*.

24. The proponent shall comply with the Industrial Noise Policy guidelines as prescribed by the former Department of Environment and Climate Change (DECCW). The amenity region adopted shall be for a rural area.

REASON: To comply with Council's requirements.

ENGINEER'S DETAIL

25. That certification of the proposed work(s) be supplied by a qualified practising Structural or Civil Engineer at the completion of works, certifying that the work(s) have been carried out under their supervision and to their requirements.

REASON: To comply with Council's requirements.

26. The proponent shall provide engineers design details for the structure (slab/footings/steel frame) to Council by a suitably qualified and professional Engineer prior to the issue of a Construction Certificate.

REASON: To comply with Council's requirements.

CIVIL ENGINEERING PLANS – WATER / SEWER: EXTERNAL

27. The proponent shall provide detailed civil engineering plans and specifications to Council for approval prior to the issue of a construction certificate for the augmentation of the sewerage infrastructure from Lot 106 in DP 755475 to the sewerage treatment plant located at Lynches Lane for Boggabri.

The civil plans are required to be submitted to Council for approval and following approval, the work is to be carried out by the proponent at their expense prior to the issue of an interim or final occupation certificate. As part of the documentation to be submitted to Council the proponent shall supply a traffic management plan prepared by a suitably qualified person for the control of local traffic where the works encroach a road corridor during the construction works.

Prior to the commencement of works the proponent shall contact Council's Water Services Manager within Engineering Services on 02 67996877 to arrange for a Council's Water Overseer to supervise the works and provide hold points for required inspections.

REASON: To comply with Council's requirements.

28. The proponent shall provide detailed civil engineering plans and specifications to Council for approval prior to the issue of a construction certificate for the augmentation of the water infrastructure from Lot 106 in DP 755475 to the Boggabri water storage towers located to the South of the site.

The civil plans are required to be submitted to Council for approval and following approval, the work is to be carried out by the proponent at their expense prior to the issue of an interim or final occupation certificate. As part of the documentation to be submitted to Council the proponent shall supply a traffic management plan prepared by a suitably qualified person for the control of local traffic where the works encroach a road corridor during the construction works.

Prior to the commencement of works the proponent shall contact Council's Water Services Manager within Engineering Services on 02 67996877 to arrange for a Council's Water Overseer to supervise the works and provide hold points for required inspections.

REASON: To comply with Council's requirements.

29. Following detailed investigation of the current bore providing Boggabri's current water supplies, if the required volume and pressure is unable to be obtained, the proponent shall at their expense upgrade or duplicate the existing bore to enable the additional demands of the facility to be supplied.

If the current bore does not provide sufficient volume and pressure, hydraulic plans will be required to be submitted to Council for approval and following approval, the work is to be carried out by the proponent at their expense prior to the issue of an interim or final occupation certificate.

REASON: To comply with Council's requirements.

30. Sewerage generated from the facility must be directed to the Boggabri Sewerage Treatment Plant for disposal.

REASON: To comply with Council's requirements.

31. The proponent shall upgrade Council's sewerage treatment facility located at the Finches Lane in Boggabri in response to the additional demands placed upon the infrastructure. The upgrade should be made in consultation with Council and to Council's satisfaction. The upgrade should incorporate the provision of additional capacity and further treatment and wastewater disposal.

The civil construction plans for the upgrade are required to be submitted to Council for approval and following approval, the work is to be carried out by the proponent at their expense prior to the issue of an interim or final occupation certificate.

REASON: To comply with Council's requirements.

32. Design plans for sewer and water infrastructure to be in accordance with the WSA Code of Australia, certified by a certified Practising Engineer and to be submitted to Council for approval prior to the issue of a construction certificate.

REASON: To comply with Council's requirements.

WATER STORAGE

33. A tank shall be installed on site for supply of potable water for a minimum 48 hour period for the additional rooms based upon the calculated daily required potable water requirements. The tank capacity shall also allow for fire fighting purposes (supply and pressure) and a reduced flow (trickle feed) from the main will be allowed to supply onsite tanks.

REASON: To comply with Council's requirements.

34. Tanks to be supplied on site are to be suitable for modular extension (added in series when the demand is required)

REASON: To comply with Council's requirements.

DRAINAGE

35. The proponent shall provide a minimum 48 hours backup storage tank capacity on site to accommodate pump breakdowns and / or Council's system overload.

REASON: To comply with Council's requirements.

36. All storm water shall be stored in stormwater tanks where appropriate and overflow to be discharged into a detention basin as shown on the site plan. Stormwater shall not be discharged or concentrated into adjoining allotments with the exception of natural overland drainage where water has not been concentrated.

REASON: To comply with Council's requirements.

37. Stormwater disposal for the site to be designed by a chartered professional engineer and submitted to Council for approval prior to the issue of a construction certificate.

REASON: To comply with Council's requirements.

38. Proponent shall install siltation traps upstream of the detention pond.

REASON: To comply with Council's requirements.

39. A works as executed (WAE) drainage plan indicating the location of the drainage pipelines shall be submitted by the proponent or their agent at the time of installation of such pipes.

REASON: To comply with Council's requirements.

RELOCATED STRUCTURES

40. All defects arising from the removal / transportation shall be repaired prior to the issue of an occupation certificate.

REASON: To comply with Council's requirements for relocated buildings and to maintain the local amenity.

FOOD PREMISES

41. The premise shall be fitted out conforming with Australian Standard "Design, Construction and Fit-out of Food Premises" AS 4674-2004. A layout plan of fittings, materials of construction and finishes is to be submitted to and approved by Council before commencement of installation.

REASON: To comply with the Food Act 1989 and Regulations there under.

42. All activities to be carried out on the premises are to comply with the Food Act and Regulations.

REASON: To comply with Council's statutory requirements.

STATUTORY

43. The proponent shall supply documentary evidence to Council that the proposed development has been notified to Country Energy for the supply of electricity.

REASON: To comply with Council's statutory requirements.

44. A copy of the electrical design layout and plans shall be submitted to Council for reference.

REASON: To comply with the statutory requirements of other authorities.

CLASS 2/9 BUILDINGS

45. The proponent shall provide a Fire Safety Certificate to indicate compliance with the Fire Safety Schedule.

REASON: To comply with the Building Code of Australia.

46. That at least once in each period of twelve months after a certificate is required to have been submitted to Council pursuant to Section E of the Building Code of Australia. The owner of the building shall submit to Council a further certificate with respect to each fire safety measure installed in the building.

REASON: To comply with the Building Code of Australia.

47. The building shall be provided with access and facilities for disabled persons in accordance with Part D3 and Part F2.4 of the Building Code of Australia, Australian Standard AS1428.1 Part 1: General Requirements for Access Buildings.

REASON: To comply with the Building Code of Australia.

48. An adequate hoarding, fence or other measure shall be provided on site to restrict access by the public to the building site (not for class 1, 10 or a building comprising 2 dwellings). Any location of such protective measures upon public land shall be subject to further approval of Council.

REASON: To comply with the Building Code of Australia to ensure the safety of persons.

49. The garbage storage area shall be constructed to hold garbage containers (bins) and allow for sanitary cleansing. The garbage storage area shall also allow for the manoeuvre of garbage trucks and disposal of waste.

REASON: To comply with Council requirements.

S94A CONTRIBUTIONS

50. Pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979 and the Narrabri Local Government Area Section 94A development contributions plan, a contribution of **\$450,381** shall be paid to Council prior to the issue of any interim or final occupation certificate for the development.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Narrabri Local Government Area Section 94A plan. The contribution is to be paid prior to the issue of an occupation certificate.

REASON; To comply with Council requirements

S64 CONTRIBUTIONS

51. Pursuant to section 306 (2) of the Water Management Act 2000, Council serves notice requiring the proponent to pay the following contributions toward the cost of projected water management works and increasing demand upon Council's existing water infrastructure and resources:

The development proposal will increase the demand upon the town water and sewer system, as identified below. As per Council's water and sewer head works policy the following charges apply: For example:

1 Equivalent tenement	=	\$ 3100.00 water head works (2012/2013)
	=	\$ 4675 sewer head works (2012/2013)
852 / 3	=	284 tenements (t)
284 t x \$7775 (12/13) (p/t)	=	\$2,208,100

Council will accept payment either in total (\$2,208,100 prior to 30 June 2013 or in accordance with the management plan of the year in which the payment is made). Council may also consider partial payment commensurate with the equivalent tenements of the number of rooms to be used at the time of the request for an interim occupation certificate.

\$ 2,208,100 Total payable prior to 30 June 2013 or after this date in accordance with the relevant management plan of the financial year of payment

This charge is required to be paid in full prior to issue of a final occupation certificate.

REASON: To comply with Council's head works charges policy.

INFRASTRUCTURE – GENERAL

52. That the town water be provided to the development at the applicant's cost accordance with Council's Design Specifications. Application for connection shall be lodged with Council's Engineering Services and approval shall be granted prior to any connection being made. Each connection shall also include provision of a water meter.

REASON: To comply with Council's requirements for the upgrading of services.

53. Council will also require works as executed plans for the above works, water and sewer facilities are to be shown on separate plans. All plans shall be accompanied by a Auspec Design Specifications Guide checklist that shall be endorsed by a suitably qualified and professional civil or structural engineer.

REASON: To comply with Council's requirements for the provision of infrastructure.

LANDSCAPING

54. A landscaping plan shall be submitted and approved by Council prior to issue of a Occupation Certificate for each stage of the development.

REASON: To comply with Council's requirements.

55. The proponent shall maintain landscaping within the 40 metre buffer to the South of the development and ensure that trees and other planted vegetation become established.

REASON: To comply with Council's requirements for the provision of landscaping.

56. The landscaping identified within each stage shall be completed prior to the issue of an occupation certificate for each individual stage

REASON: To comply with Council's requirements for the provision of landscaping.

ADVERTISING

57. The proponent shall comply with the requirements of SEPP 64 – Advertising structures. The signage shall not be erected to reduce line of sight distance of pedestrians or traffic either from the development to Arnold Street or the intersection of Arnold Street and Old Gunnedah Road, Narrabri.

REASON: To comply with Council's requirements.

58. All signs are to be maintained in good condition, and posts are to be cleaned / painted regularly.

REASON: To comply with Council's requirements.

59. The proponent shall comply with the Australian Standards for Advertising Signage.

REASON: To comply with Council's requirements.

60. The proponent shall not install permanent signage upon Council's public land. Public land includes but is not limited to Footpaths, road reserves and operational lands without the consent of Council.

REASON: To comply with Council's requirements.

61. Signage shall not flash, move or be objectionably obvious, in order to maintain safety of passing traffic.

REASON: To comply with Council's requirements.

ENVIRONMENTAL

62. The applicant shall install, prior to the commencement of construction, adequate sediment and soil erosion controls in accordance with the requirements of the Office of Environment and Heritage's requirements. All sediment is to be controlled onsite including the transport of sediment from vehicular tyres and machinery onto local roadways.

REASON: To comply with Council's statutory requirements.

63. The proponent shall comply with the requirements of the Ambecol 'Flora and Fauna Assessment for the proposed Boggabri Accommodation Centre 262 Caloola Road Boggabri' particularly with respect to the retention of localised vegetation on site.

REASON: To comply with Council's statutory requirements.

CONSTRUCTION

64. At least forty-eight (48) hours notice be given to Council when any building inspection is required.

REASON: To comply with Council's requirements.

ACCOMODATION PROVISION TO THE PUBLIC

65. The proponent shall have systems in place to accommodate members of the general public. This shall include provision of a reception area for acceptance of enquiries and bookings, provision of signage to direct members of the public from the entrance to the reception area, and adequate provision of rooms for the purposes of acceptance of members of the travelling public.

REASON: To comply with statutory provisions of the Narrabri Local Environmental Plan 1992.

CRIME PREVENTION

66. The proponent shall consult with the New South Wales Police Service regarding the proposed crime prevention measures contained within the Crime Prevention Strategy dated the 21 May 2012 and shall comply with any requirements of the authority following the referral.

Advice; Council referred the crime prevention strategy to the NSW Police given that no active CPTED committee operates within the Narrabri Shire area. No response was received by the Council.

REASON: To ensure appropriate design of the facility in order to prevent crime.

TRAFFIC MOVEMENT MITIGATION

67. Bus pooling to be used where necessary to reduce the overall traffic movements to the site.

REASON: To comply with Council's requirements.

SITE DESIGN

68. Aesthetics of the development are to be maintained through the use of natural colours, high class materials and also individual design features into the development.

REASON: To comply with Council's requirements.

69. Lighting associated with the development is to be positioned so as not to create luminosity of the atmosphere or create nuisance to adjoining development.

REASON: To comply with Council's requirements.

ABORIGINAL HERITAGE

70. The proponent shall contact the Office of Environment and Heritage and cease work immediately should any aboriginal heritage or relics be located on the land.

REASON: To comply with Council's requirements.

CIVIL ENGINEERING PLANS / WORKS: EXTERNAL

71. The proponent shall provide to Council for approval prior to the issue of a construction certificate, civil engineering plans and specifications prepared by a suitably qualified and professional engineer, for the widening of Caloola Road Boggabri from the Rail Crossing in Boston Street to the Western Boundary of Lot 106 DP 755475. The road widening shall include a 1 metre width extension to each lane and be either two coat spray sealed or asphalt concrete sealed. The extension shall include road verge table drainage and a sealed pedestrian footpath and provision of guideposts and line marking.

The civil plans are required to be submitted to Council for approval and following approval, the work is to be carried out by the proponent at their expense prior to the issue of an interim or final occupation certificate. As part of the documentation to be submitted to Council the proponent shall supply a traffic management plan prepared by a suitably qualified person for the control of local traffic during the construction works.

Prior to the commencement of works the proponent shall contact Council's Roads Services Manager within Engineering Services on 02 67996877 to arrange for a Council's Roads Overseer to supervise the works and provide hold points for inspections.

REASON: To comply with Council's requirements.

72. The proponent shall provide civil plans for approval by Council prior to the issue of construction certificate prepared by a suitably qualified and professional civil engineer in order to re-align Boston Street at the Rail Line Crossing to ensure public safety. The re-alignment civil designs shall be in accordance with the report prepared by '*TPK Traffic Assessment Report – Proposed Accommodation Village August 2011*'.

The civil plans are required to be submitted to Council for approval and following approval, the work is to be carried out by the proponent at their expense prior to the issue of an interim or final occupation certificate. As part of the documentation to be submitted to Council the proponent shall supply a traffic management plan prepared by a suitably qualified person for the control of local traffic during the construction works.

Prior to the commencement of works the proponent shall contact Council's Roads Services Manager within Engineering Services on 02 67996877 to arrange for a Council's Roads Overseer to supervise the works and provide hold points for required inspections.

REASON: To comply with Council's requirements.

73. The proponent shall provide to Council for approval prior to the issue of a construction certificate, civil engineering plans and specifications prepared by a suitably qualified and professional engineer, for provision of turning lanes from Caloola Road Boggabri for entrance and egress from Lot 106 DP 755475.

The civil plans are required to be submitted to Council for approval and following approval, the work is to be carried out by the proponent at their expense prior to the issue of an interim or final occupation certificate. As part of the documentation to be submitted to Council the proponent shall supply a traffic management plan prepared by a suitably qualified person for the control of local traffic during the construction works.

Prior to the commencement of works the proponent shall contact Council's Roads Services Manager within Engineering Services on 02 67996877 to arrange for a Council's Roads Overseer to supervise the works and provide hold points for required inspections.

REASON: To comply with Council's requirements.

74. The proponent shall provide civil engineering plans and specifications for approval by Council for the provision of public street lighting along Caloola Road Boggabri, from the Western boundary of the development site to Wee Waa Street and Boston Street intersection in accordance with relevant Australian Standards prior to the issue of a construction certificate.

The proponent shall carry out the works following Council approval prior

REASON: To comply with Council's requirements.

RMS REQUIREMENTS – CLASSIFIED ROADS

75. As indicated in the TPK Traffic Assessment Report, a basic right hand turn (BAR) is to be provided in accordance with figure 7.17 in the first edition of the Aust roads Guide to Design – Part 4A unsignalised and Signalised Intersections version 1.1.

REASON: To comply with RMS requirements

76. A road occupancy licence is required prior to any works commencing within 3 metres of any travel lanes of the Kamilaroi Highway – with submission of a traffic management plan is required as part of the licence.

REASON: To comply with RMS requirements

77. As road works are required on a state road, the developer will be required to enter into a Works Authorisation Deed (WAD) with RMS. RMS will exercise its powers under section 87 of the Roads Act 1993 (the Act) and / or the functions of the roads authority to undertake road works in accordance with sections 64 and 71 and or sections 72 and or 73 of the Act, as applicable, for all works under the WAD.

REASON: To comply with RMS requirements

78. Prior to the issue of a construction certificate for the proposed development, the developer shall enter into a WAD with the RMD for all road works on the Kamilaroi Highway.

REASON: To comply with RMS requirements

79. Prior to issuing an occupation certificate (interim or final) for the proposed development, the developer shall complete all road works under the WAD to practical completion, as determined by the RMS.

REASON: To comply with RMS requirements

80. All works shall be undertaken at the full cost to the developer to the satisfaction of the RMS.

REASON: To comply with RMS requirements

81. Development to be carried out at no cost to Council.

REASON: To comply with Council's requirements.